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Tarrant County Texas

Official Public Records

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Suzanne Henderson

PGS 4 \$28.00

Submitter: SIMPLIFILE

**AMENDMENT TO OIL, GAS AND MINERAL LEASE**

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS: THAT

§

COUNTY OF TARRANT

§

**HERETOFORE**, Marjorie Clark, Barbara Clark Lesok, Nancy Clark Erwin a/k/a Nancy Clark Fail a/k/a Nancy Griffin, Otis T. Clark, III and Janice Clark Roberts, ("Lessors"), executed and delivered to XTO Energy, Inc., ("Lessee"), an oil, gas and mineral lease dated December 23, 2005, recorded under Tarrant County Clerk's Document No. D206063626 ("Lease"), covering all their undivided interests in 2.44 acres, more or less, out of the B. Samora Survey, A-1384, as more particularly described in that certain Warranty Deed dated December 11, 1996, recorded in Volume 12607, Page, 795, Official Public Records of Tarrant County, Texas ("Leased Premises).

**WHEREAS**, the Lessors wish to acknowledge the validity of the Lease, and agree to adopt and ratify said Lease so as to recognize the continued validity of the Lease as the same applies to Lessors' interest in the Leased Premises; and

**WHEREAS**, the parties named herein are desirous of, and have agreed to amend the Lease to provide for an increase in the royalty payable under said Lease, and for this purpose, the Lease, as originally written shall be amended to the extent hereinafter set out; and

**NOW, THEREFORE**, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, including but not limited to the execution by Lessors and Lessee of this Amendment to Oil, Gas and Mineral Lease, the receipt and sufficiency of which is hereby expressly acknowledged and confessed, Lessors and Lessee expressly covenant and agree that the Lease is hereby amended as follows: first, any reference therein to a royalty of "twenty-two percent (22%)" shall be amended to read "twenty-five percent (25%)"; second, Lessors' royalty shall be calculated free and clear of costs and expenses for exploration, drilling, development and production, including, but not limited to, dehydration, storage, compression, separation by mechanical means and product stabilization, incurred prior to the oil, gas and other mineral production leaving the Leased Premises or prior to delivery into a pipeline or gathering system; and third, Lessors' royalty shall bear its proportionate share of all ad valorem taxes and production, severance and other taxes. This amendment to the royalty provision shall be effective as of the effective date set forth in the above described lease.

**THEREFORE**, for the consideration above recited, the Lessors hereby expressly acknowledge the validity of the Lease and ratify, confirm and adopt said Lease, and covenant and agree with Lessee that, except as hereby specifically amended, the Lease and all terms, limitations, conditions, covenants, and promises of the Lease are hereby in all things affirmed, ratified and adopted and shall remain in full force and effect according to its terms, and Lessors hereby grant, demise, lease and let unto Lessee, upon the terms contained in the Lease, as hereby amended, the Leased Premises.

This agreement shall be binding upon the heirs, legal representatives, successors and assigns of the parties hereto.

This instrument Lease may be executed in any number of counterparts, each of which shall be considered an original for all purposes. Executed signature pages from the counterpart Amendments may be combined to form a single instrument for recording purposes.

WITNESS OUR HANDS, this the 9th day of June, 2010.

LESSORS

Marjorie Clark  
Marjorie Clark

Barbara Clark Lesok  
Barbara Clark Lesok

Nancy Clark Erwin  
Nancy Clark Erwin  
a/k/a Nancy Clark Fail  
a/k/a Nancy Griffin

Otis T. Clark III  
Otis T. Clark, III

Janice Clark Roberts  
Janice Clark Roberts

LESSEE

XTO ENERGY INC.

Edwin S. Ryan Jr.  
Edwin S. Ryan Jr.  
Sr. Vice President – Land Administration

STATE OF TEXAS       §  
                                     §  
COUNTY OF TARRANT   §

This instrument was acknowledged before me this 9th day of July, 2010 by Marjorie Clark.

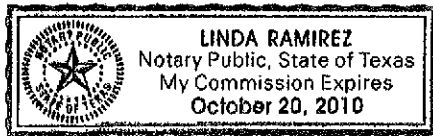


Linda Ramirez  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF TARRANT §

This instrument was acknowledged before me this 9<sup>th</sup> day of July, 2010 by Barbara Clark Lesok.

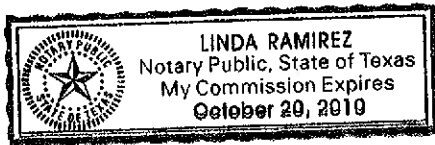


Linda Ramirez  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF TARRANT §

This instrument was acknowledged before me this 7<sup>th</sup> day of July, 2010 by Nancy Clark Erwin a/k/a Nancy Clark Fail a/k/a Nancy Griffin.

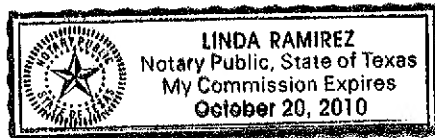


Linda Ramirez  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF TARRANT §

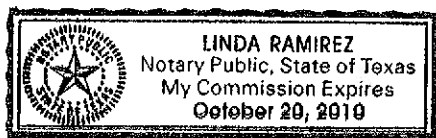
This instrument was acknowledged before me this 7<sup>th</sup> day of July, 2010 by Otis T. Clark, III.



Linda Ramirez  
Notary Public, State of Texas

STATE OF TEXAS           §  
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COUNTY OF TARRANT   §

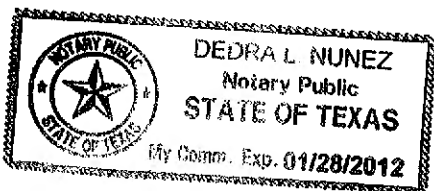
This instrument was acknowledged before me this 8<sup>th</sup> day of July, 2010 by Janice Clark Roberts.



Linda Ramirez  
Notary Public, State of Texas

STATE OF TEXAS           §  
                                     §  
COUNTY OF TARRANT   §

This instrument was acknowledged before me this 2<sup>nd</sup> day of August, 2010 by Edwin S. Ryan Jr., as Senior Vice President of Land Administration of XTO Energy Inc., a Delaware corporation, on behalf of said corporation.



Dedra L. Nunez  
Notary Public, State of Texas